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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,186	07/31/2000	Ekkehard Komer	852/49038	4544

7590 07/25/2003  
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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/25/2003

*15*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/629,186

Applicant(s)

KORNER ET AL. CS

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

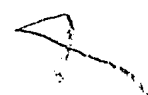
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2003 has been entered.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “a press of a press production series having multiple presses” (claim 1, lines 1-2); a first tool component (line 5 of claims 1 and 5); a second tool component (claim 1, line 12 and claim 5, line 10); the “ram drive having an offset drive specific to the multiple presses of the press production series” (claim 1, lines 9-10); “a press production series with presses” (claim 5, line 1), “a ram for each of the presses” (claim 5, line 4), “a table positioned opposite to each ram” (claim 5, line 9); and “the drive has an offset drive specific to the various presses of the press production series” (claim 5, line 11) must be shown or the features canceled from the claims. In general, the structural elements as claimed in the body of claims 1 and 5 must be shown or the features canceled from the claims. No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following informalities:

Page 1, lines 5-6, the words “(not yet assigned)” should be changed to --- 09/629,185.

Page 1, line 8, the words “(not yet assigned)” should be changed to --- 09/629,187.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the claim is not comprehensible. The preamble calls for a single press. The body of the claim implies that the invention is drawn to multiple presses. It is not clear what structure the claim is drawn to.

Regarding claim 1, lines 9-10, the claim is functionally indefinite. The multiple presses of the press production series are not positively recited, and thus, render the claim indefinite. The

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claim is particularly confusing in that it appears as though only a single press machine is being claimed. Additionally, it is unclear what the press production series for attaining different stroke speeds refers to, i.e. is it differing stroke speeds as compared to more than one ram? If so, the claim only positively recites one ram, which render the claim indefinite.

Regarding claim 1, line 11, there is no antecedent basis for “the machine body” in the claim. Additionally, the critical interrelationship between the machine body and the remaining elements of the press has not been positively recited.

Regarding claim 3, line 3, it is not clear what are being attached to uniform press bodies, since there is only one planetary gear system being claimed.

Regarding claim 5, line 9, there is no antecedent basis for “the machine body” in the claim. Additionally, the critical interrelationship between the machine body and the remaining elements of the presses has not been positively recited.

Regarding claim 5, line 13, there is no antecedent basis for “the configuration” in the claim. Additionally, it is not clear what “the configuration of the ram drive” refers to, and how this “configuration” relates to other components of the presses.

In general, the scope of the claims is awkward and renders a clear understanding difficult.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-4, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Doege et al. (US 6,021,683).** Doege discloses a press comprising: a machine frame (11); a ram (4) guided in a journal manner and arranged for attached of a first tool component (see fig. 1); a ram drive (2) positioned on the machine frame (see fig. 6a), and presetting a path time trace of ram drive (figs. 8-10); the ram drive comprises an electric motor (54) and an eccentric shaft (18) connected to one another via a drive (see fig. 6a); a table positioned opposite the ram (see fig. 1); the ram drive having an offset drive, wherein the offset drive is a planetary gear system (48). Doege also teaches that a number of presses are identical/uniform in design principles, whereby achieving different stroke/motion of the press ram in a multiple identical presses by exchanging the gears of the gear system (col. 4, lines 24-28).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 5, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Itakura (US 5,915,296).** Itakura discloses a press production series with presses (2A-E), wherein the press production series comprising: a machine frame (1A and 1B); a ram (2) for each of the presses; a ram drive (3-7) positioned on the machine frame (fig. 1), and arranged to preset a path time trace of each ram (fig. 3), the ram drive comprises an electric motor (3) and an eccentric shaft (10) connected to one another via a drive (see fig. 2); a table positioned opposite to each ram (see fig. 1), the drive has an offset drive (12, 13, and 16) specific to each press of the press production series for realization of different stroke speeds (see col. 4, lines 24-44).

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,453,806 to Bornhorst et al., US 5,468,194 to Hayashi, and US 5,012,665 to Brandstetter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen  
July 23, 2003



ALLEN OSTRAGER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700